

REMARKS

Applicants respectfully request reconsideration in view of the following remarks. No claims are amended. Accordingly, claims 1-5 are pending in the application.

I. Information Disclosure Statement

Applicants acknowledge the Examiner's indication that the information disclosure statement (IDS) submitted on September 29, 2003, is in compliance with the provisions of 37 CFR 1.97 and has been considered by the Examiner.

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Raisanen et al. (International Pub. No. WO 02107394). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

With respect to the § 102 rejection of claim 1, Raisanen fails to teach the elements of "providing DiffServ based QoS to packet flows by the aggregate of packet flows using the VoIP call session information at the time of VoIP packet forwarding by the routers," as recited in claim 1. In contrast, Raisanen discloses a solution for providing QoS management in a packet network. See Raisanen, page 3, lines 2-4. The portions of Raisanen cited by the Examiner discloses a QoS management system (see Fig. 1) for dealing with VoIP packets See Raisanen, page 4, lines 18-27. Raisanen accomplishes this task by creating a measurement profile to gather QoS parameters (e.g., delay, jitter, packet loss, packet loss correlation, bandwidth) for each host (i.e., each access node) in the network. See Raisanen, page 6, lines 13-16 and 24-30. Based on the measurement profile, traffic may be managed from each access node. See Raisanen, page 10, lines 7-14 and 26-33. However, although VoIP traffic is managed based on these measurement profiles to satisfy QoS, there is no indication or disclosure in Raisanen that the measurement profiles provide "DiffServ based QoS" nor is there a teaching that the QoS management uses "the VoIP call session information at the time of VoIP packet forwarding by the routers," as recited in claim 1. Thus, for at least these reasons, Raisanen fails to teach each element in claim 1. Further, dependent claims 2-4 are patentable over Raisanen because each of these claims depends on base

claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1-4 are respectfully requested.

III. Claims Rejected Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Raisanen et al. in view of U.S. Patent No. 6,594,268 issued to Aukia et al.

With respect to the § 103 rejection of claim 5, this claim is patentable over Raisanen at least because of its dependency on base claim 1. Further, Aukia fails to teach or suggest the above missing elements in claim 1. In contrast, Aukia discloses adaptive routing using packet classification with filter rules. See Aukia, column 5, lines 9-17. Therefore, Aukia fails to teach or suggest the missing elements related to “DiffServ based QoS” and “the VoIP call session information at the time of VoIP packet forwarding by the routers,” as recited in claim 1. Consequently, for at least these reasons, Raisanen in view of Aukia fails to teach or suggest each element in claim 5 as well because of its dependency on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

CONCLUSION

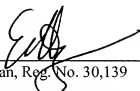
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Melissa Stead

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